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SIPDIS

SENSITIVE

STATE FOR G/TIP, EAP/MLS, DRL/IL, DRL/PHD
DEPARTMENT OF LABOR FOR ILAB - MITTELHAUSER AND SASSER

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SUBJECT: BURMESE MIGRANT LABORER MURDER TRIAL IN THAILAND CONTINUES

¶1. (SBU) Summary. The next trial hearing in the death of Ma Suu, a 17-year-old Burmese migrant worker who was allegedly murdered by her employer, will be on March 8-9, 2006. Ma Suu left Burma to seek work in Thailand, and found a job as a domestic servant for a wealthy Thai military officer in 2001. While it remains unclear whether Ma Suu was originally trafficked across the border, her ensuing employment situation clearly amounts to a trafficking case. Held against her will in an abusive employment situation, she escaped and notified police, only to be returned to her employer and eventually killed. She died on July 16, 2002 from extensive beatings and acid burns. The public prosecutor, with help from the Thai Law Society, is seeking cooperation from key witnesses, but fear of retribution -- and the defendant's high ranking military status -- has caused some to hesitate in cooperating. End Summary.

¶2. (U) Representatives from the Thai Law Society updated Emboffs on February 10 about Ma Suu's murder trial. On March 8, 2006, the trial will resume with the testimony of five witnesses and four police officers. The defendants, Mr. Suchat Akapibul and his wife Yawadee, are accused of murdering the 17-year-old Burmese domestic employee who died of extensive acid burns and beatings on July 16, 2002. Suchat is a military officer, whose rank is equivalent to Air Force colonel. Yawadee was arrested and jailed from July 7-13, 2002, and released on the same day that Suchat presented himself to the authorities. He was subsequently released on bail, and has not yet entered a plea.

CASE BACKGROUND

¶3. (U) A Burmese citizen of Mon ethnicity, the then 17-year-old Ma Suu lived in Burma with her grandmother and two younger siblings, her parents being deceased. She crossed into Thailand in 2001 at the Mae Sot border town searching for income, and found work, through an employment agent, as a domestic worker for the Akapibul family, who own a furniture manufacturing business in Suratthani, Lopburi province.

¶4. (U) According to the Thai Law Society, Ma Suu's employers accused her of stealing a gun, necklace, mobile phone, watch, ring, and more than 30,000 baht (USD 750) at the end of June 2002. Ma Suu denied the accusation and was then allegedly locked in a room and beaten for the next five days by Suchat, his son, and some soldiers working for Suchat. Another employee stated that a PVC pipe broke into two pieces because of the beatings.

¶5. (SBU) Ma Suu escaped on the fifth day and fled to a nearby field, where a woman found her, gave her refuge, and brought her to the local police station two days later. The police contacted Suchat's father to inform him of Ma Suu's whereabouts, and he then brought Ma Suu back to Suchat's house. The police accompanied them to inspect the home, and, after hearing more accusations of the theft, jailed Ma Suu for one night. Suchat requested that Ma Suu return to the house the following morning, on the assurance that he would deport Ma Suu back to Mae Sot. The police agreed. (Note: The Law Society blames Thai deference to authority for this decision, as the police presumably felt obliged to return Ma Suu to her employer given his military rank -- despite indications that he was responsible for her beatings. End note.)

¶6. (U) Instead of returning Ma Suu to Mae Sot, Suchat allegedly proceeded to beat her again. Suchat and his wife then, according to court papers, hired a self-professed "medium", or soothsayer, to interview Ma Suu and divine the truth about the alleged thefts. When the medium proclaimed Ma Suu guilty, Suchat allegedly set her on fire and poured acid over her. Ma Suu was later found near a road and taken to Uthai Thani hospital with burns covering more than 50 percent of her body. She died on July 16, 2002 after five days in a coma. Prior to her death, she gave a taped statement to a journalist recounting her ordeal, and her injuries were photographed.

¶7. (U) Jurisdiction for the case spans three provinces: Lopburi, where Maa Suu worked; Uthai Thani, where Maa Suu was found unconscious in the woods and where she eventually died; and Nakhon Sawan, where Maa Suu spent part of her hospitalization.

WHO WILL HELP?

18. (U) Ma Suu's case was reported in The Nation, a Thai English-language newspaper, on July 8, 2002, prompting a number of NGO representatives to visit her in the hospital. A public attorney is prosecuting the case, with help from The Thai Law Society, The Asian Human Rights Commission based in Hong Kong, Amnesty International, Human Rights Watch, and the American Center for International Labor Solidarity (ACILS). The Law Society noted that the public prosecutor in this case is being extremely proactive, perhaps due to the international attention this case has attracted.

19. (SBU) The Law Society reports that neither the police, nor the hospitals, nor the Burmese Embassy have been cooperative or proactive in the investigation. Hospitals refuse to release any records to anyone but family members, and lawyers have been unable to reach Ma Suu's family. The police state that they have found no evidence related to the murder, and that Suchat and Yuwadee deny having employed Ma Suu. It is unclear whether Suchat has been suspended by the military, or if he is still working. (The Thai Law Society claims he is still employed and stationed at Don Muang International Airport, but post has not been able to verify this.)

COOCOO FOR KO KO -- AND OTHER WITNESSES

10. (SBU) The Law Society has been hoping for the testimony of a Burmese radio journalist, Thin Ko Ko, who visited Ma Suu in the hospital and recorded her statement the day before she died. Ko Ko, who has worked as a stringer for the Voice of America (VOA), recorded statements from Ma Suu that match the testimony of five Burmese witnesses. Ko Ko recently returned to the US, but his testimony has been requested by prosecutors to certify the authenticity of the tape. According to the Law Society, Ko Ko had been reluctant to testify out of concerns for his safety, despite letters from the Uthai Thani Police offering security. In a February 24 e-mail to Econoff, Ko Ko stated that he would not be returning to Thailand for the March 8 trial hearing given the "short notice" of the request. (Note: The Law Society told Emboffs that they had been requesting his testimony since Summer 2004. End Note.) Ko Ko has, however, agreed to a second option -- less desirable to prosecutors -- to send a notarized statement to Post, which would then deliver it to the prosecution.

11. (U) Prosecutors are counting on the testimony of a second important witness, Kamron Parnikorn, who is believed to be the only witness to Ma Suu's burning. He has admitted to participating in the beating of Ma Suu, but claimed that it was on orders from Suchat. He has cooperated with prosecutors in the case against Suchat and has not been charged. The Law Society believes that he will appear at the March 8-9 hearing. Other prominent witnesses include the five Burmese witnesses whose testimony, given during a pre-trial period in the summer of 2004, matches that of Ko Ko's recording. They stated that they were employed in the defendants' household at the same time as Ma Suu. These witnesses were under the care of the police until they gave their statements, and are now under the care of new employers.

EXTREME EXAMPLE OF A MUCH LARGER PROBLEM

12. (U) Ma Suu's death is an extreme example of the helplessness often faced by illegal Burmese migrant workers who are unable to turn to authorities for assistance. Female domestic workers are particularly vulnerable to abuse because they are isolated in individual homes, and Thai labor regulations do not provide coverage for domestic workers, regardless of nationality.

13. (U) The Institute for Population and Social Research (IPSR) conducted a survey in 2002-3 of 528 Burmese domestic workers in northern Thailand, nearly all of them women, most young and unmarried. Most of the workers found their employment through an agent, with none of them knowing what the work conditions would be until arriving at their employers' house. Thirty-two percent received 1000 baht (USD 25) or less per month, and only 15 percent received more than 3000 baht (75 USD) per month. Eighty percent worked more than 12 hours per day, many of whom worked seven days a week. Two-thirds cared for a child or elderly person, and were expected to be available at all hours.

14. (U) As most workers were not registered with the government, they were vulnerable to threats from the Thai police. Of the 43 percent who reported encountering the police, 49 percent said they had been asked for money and 29 percent said they had been threatened with deportation. Half of the workers reported being threatened by their employer, and 1 in 10 physically abused. Eight percent reported being subjected to sexual advances, with 1.3 percent being victims of rape. Only 43 percent were allowed to leave the house, making access to health care (which 79 percent had to pay for on their own) difficult.

15. (U) Comment: Ma Suu's death is an extreme and rare example, but highlights the continuing vulnerability of migrant domestic workers in Thailand. Her confinement, severe abuse at the hands of her

employer, and subsequent forced return to her employer after her escape, qualifies her as a trafficking victim. There is so far no indication that the police officers who returned Ma Suu to her employer will face any charges or disciplinary action, but NGOs have lauded the public prosecutors' office for their commitment to this case. Post continues to follow this case closely and will send an observer to the March 8-9 hearing. End Comment.
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